

of Public Accounts in reference to the bonds authorized herein; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

OLSEN, Vice-Chairman.

Austin Texas, March 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 221, "An Act amending Acts of 1934, Third Called Session, Forty-third Legislature of Texas, page 118, Chapter 63; otherwise identified as Article 3886d, Revised Civil Statutes of 1925 of the State of Texas, by authorizing the District Attorney of the Ninth Judicial District to appoint a special investigator in and for Montgomery County, Texas; providing salary; providing nothing in the Act shall be construed to affect any law with reference to investigators or stenographers in other Judicial Districts, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

OLSEN, Vice-Chairman.

Austin, Texas, March 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 152, "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico, and Texas, entered into by Commissioners representing the three (3) States and the United States on March 18, 1938; authorizing the Governor of Texas to appoint a Commissioner to administer the provisions of the Compact; providing for the salary and necessary expenses of the Commissioner, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

OLSEN, Vice-Chairman.

Austin, Texas, March 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 479, "An Act providing for the funding by the Commissioners Court of Haskell County of any and all items of indebtedness outstanding on January 1, 1939, against the Road and Bridge Fund of said County, by issuing scrip and time warrants, by issuing coupon bonds of said County; providing that no warrants shall be issued until the bonds are paid in full and there is a cash balance at the time of issuance, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

OLSEN, Vice-Chairman.

SENT TO GOVERNOR

March 1, 1939

House Bill No. 152.

House Bill No. 281.

House Bill No. 479.

House Bill No. 553.

House Bill No. 221.

THIRTY-SECOND DAY

(Monday, March 6, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bundy
Allen	Burkett
Allison	Burney
Alsup	Cauthorn
Bailey	Celaya
Baker	Chambers
of Fort Bend	Clark
Baker of Grayson	Cleveland
Bell	Cockrell
Blankenship	Coleman
Bond	Colquitt
Boyd	Colson, Mrs.
Boyer	Cornett
Bradbury	Corry
Bradford	Crossley
Bray	Daniel
Bridgers	Davis of Jasper
Broadfoot	Davis of Upshur
Brown of Cherokee	Dean
Brown	Derden
of Nacogdoches	Dickison

Dickson	Montgomery
Donaghey	Morris
Dowell	Newell
Dwyer	Nicholson
Faulkner	Oliver
Felty	Olsen
Ferguson	Pace
Fielden	Petsch
Fuchs	Pevehouse
Galbreath	Piner
Gilmer	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar
Hale	Reader of Erath
Hamilton	Reaves
Hankamer	Reed
Hardeman	Rhodes
Hardin	Riviere
Harp	Roach
Harper	Roberts
Harrell of Bastrop	Robinson
Harrell of Lamar	Russell
Harris	Schuenemann
Hartzog	Segrist
Heflin	Shell
Holland	Skiles
Howington	Smith of Frio
Hull	Smith of Hopkins
Hunt	Smith
Isaacks	of Matagorda
Johnson of Ellis	Spencer
Johnson of Tarrant	Stinson
Kennedy	Stoll
Kern	Talbert
Kerr	Tarwater
Kersey	Taylor
Kinard	Tennant
King	Thornberry
Langdon	Thornton
Lehman	Turner
Leyendecker	Vale
Little	Vint
Lock	Voigt
Loggins	Waggoner
London	Weldon
Mays	Wells
McAlister	Westbrook
McDaniel	White
McDonald	Wilson
McFarland	Winfree
McMurry	Wood
McNamara	Worley
Mohrmann	Wright
Monkhouse	

Absent—Excused

Anderson	Keith
Howard	Leonard

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty and most merciful God, it is by Thy kind providence that we have and enjoy our health of body and mind and all the material blessings of life. Thou hast led us into open fields, and it is ours to carry on effectively. Be Thou our strength and our guide in all our undertakings. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Leonard for today, on motion of Mr. Hankamer.

Mr. Howard for today, on motion of Mr. Smith of Hopkins.

Mr. Anderson for today, on motion of Mr. Reader of Bexar.

The following Members were granted leaves of absence on account of illness:

Mr. Keith for today, on motion of Mr. Bell.

Mr. Bond temporarily for today, on motion of Mr. Alsup.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Pace, Mr. Burkett and Mr. Goodman:

H. B. No. 811, A bill to be entitled "An Act abolishing the penalty of death as a punishment of crime in the State of Texas; amending Article 33 of the Penal Code of the State of Texas of 1925 so as to substitute life imprisonment as the maximum penalty provided for therein in lieu and instead of the maximum penalty of death now provided for therein; amending Article 84 of the Penal Code of the State of Texas of 1925 so as to substitute life imprisonment as the maximum penalty provided for therein in lieu and instead of the maximum penalty of death now provided for therein; amending Article 309 of the Penal Code of the State of Texas of 1925 so as to substitute life imprisonment as the maximum penalty provided for therein in lieu and instead of the maximum penalty of death now

provided for therein; amending Article 1189 of the Penal Code of the State of Texas of 1925 so as to substitute life imprisonment as the maximum penalty provided for therein in lieu and instead of the maximum penalty of death now provided for therein; amending Article 1257 of the Penal Code of the State of Texas of 1925 so as to substitute life imprisonment as the maximum penalty provided for therein in lieu and instead of the maximum penalty of death now provided for therein; amending Article 1408 of the Penal Code of the State of Texas of 1925 so as to substitute life imprisonment as the maximum penalty provided for therein in lieu and instead of the maximum penalty of death now provided for therein; amending Article 1177a of the Penal Code of the State of Texas, same being House Bill No. 244, Chapter 12 of the Acts of 1931, the Forty-second Legislature, Regular Session, as amended by Acts of 1933, Forty-third Legislature, First Called Session, page 51, Chapter 17, Section 1, so as to substitute life imprisonment as the maximum penalty provided for therein in lieu and instead of the maximum penalty of death now provided for therein; declaring a Legislative intent in the passage of this Act, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Pope:

H. B. No. 812, A bill to be entitled "An Act providing the amount of traveling and office expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for the expenditures for traveling and office expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Langdon:

H. B. No. 813, A bill to be entitled "An Act making it unlawful to hunt, shoot or kill any deer for a period of five years in Somervell County, Texas; fixing a penalty; repealing all laws or parts of laws in conflict herewith in so far as they apply to Somer-

vell County, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Newell:

H. B. No. 814, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkeys in Young and Jack Counties for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Tennant:

H. B. No. 817, A bill to be entitled "An Act amending Article 6869, Revised Civil Statutes, 1925, as amended, Acts 1929, Forty-first Legislature, First Called Session, page 283, Chapter 113, Section 1, by adding a new Section thereto, to be known as Article 6869b, providing for the number of deputy sheriffs in counties having a population of less than twenty thousand (20,000), according to the last preceding Federal Census, and having a property valuation in excess of One Hundred Million (\$100,000,000) Dollars, according to the approved State and county tax rolls for the preceding year, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Heflin:

H. B. No. 822, A bill to be entitled "An Act to amend Article 7252, Revised Statutes, 1925, authorizing the assessor and collector of taxes to appoint deputies to assist him in the assessment and collection of taxes; providing for bonds from such deputies; providing that the assessor and collector shall be liable for the Acts of such deputies; and authorizing the deputies to perform the duties imposed and required by law of the assessor and collector of taxes; and providing that in counties having a population of 355,000 or more, according to the last preceding Federal Census the assessor and collector may apply to the Commissioners' Court for the appointment of special deputies having technical training or qualified by experience in order to obtain valuations

and perform technical duties and authorizing the application for clerical, accounting, and stenographic assistants in connection therewith and providing for a special head for the automobile division of said offices, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Heflin:

H. B. No. 823, A bill to be entitled "An Act to amend Subsection (h) of Section 19, Chapter 465, of the Acts of the Forty-fourth Legislature, Second Called Session, by adding thereto a proviso applying in counties having a population of more than 355,000, according to the last preceding Federal Census fixing the limits of the salaries to be paid deputies, assistants, and employees of district, county and precinct officers, defining heads of departments, providing for the manner and means of employment, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Heflin:

H. B. No. 824, A bill to be entitled "An Act providing that in all counties containing a population of 355,000 or more inhabitants, according to the last preceding or any future Federal Census, the Commissioners' Court of each of such counties shall make a reasonable allowance, not to exceed Fifty (\$50) Dollars a month, to each Justice of the Peace for the operation of automobiles in connection with their official business, when such Justice of the Peace sits in a court maintained in the courthouse at the county seat of each of such counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Stinson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 815.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Stinson, Mr. Thornton, Mr. Langdon, Mr. Russell, Mr. Broadfoot, Mr. Davis of Jasper, Mr. Newell, Mr.

Bundy, Mr. Tarwater, Mr. Reader of Erath and Mr. Gilmer:

H. B. No. 815, A bill to be entitled "An Act providing that the taxpayers shall be allowed by the State and all governmental and political subdivisions and taxing districts of the State certain discounts on ad valorem taxes due the State and such governmental or political subdivisions or taxing districts, if such taxes are paid within certain periods before the date when they would otherwise become delinquent; fixing the effective date of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Holland asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 816.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Holland:

H. B. No. 816, A bill to be entitled "An Act making it unlawful to give false reports of marriages, births, and deaths to newspapers, their agents and employees, for publication, providing such shall constitute a misdemeanor, prescribing a penalty, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

Mr. Faulkner asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 818.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Faulkner:

H. B. No. 818, "A bill to be entitled "An Act making it compulsory on the part of school trustees, school boards and school officials, parents and guardians, to require vaccination of all students entering school for the first year against small pox, typhoid fever, and diphtheria; prescribing the mode and manner of carrying out said provisions, affixing penalties for violation of the Act, and declaring an emergency."

Referred to the Committee on Education.

Mr. Nicholson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 819.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Nicholson:

H. B. No. 819, A bill to be entitled "An Act to amend Section 2, of Chapter 88, House Bill No. 6, Acts of the Second Called Session of the Forty-first Legislature, as amended by Section 2, Chapter 23, House Bill No. 32, Acts of the Fifth Called Session of the Forty-first Legislature; exempting certain trucks from the requirement of registration; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

Mr. Hartzog asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 820.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hartzog:

H. B. No. 820, A bill to be entitled "An Act relating to marks and brands of livestock in all Texas counties except Matagorda, Wharton, Fort Bend, Jasper and Newton Counties; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899d, requiring that each owner of any livestock mentioned in Chapter 1, of Title 121, of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks

and brands in each county; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in each county for a period of thirty (30) days, and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

Mr. Mays asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 821.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Mays, Mr. Loggins, Mr. Dean, Mr. Reader of Erath, Mr. Bridgers, Mr. Anderson, Mr. Dwyer, Mr. Reader of Bexar, Mr. Hardeman, Mr. Vale, Mr. Leyendecker and Mr. Goodman:

H. B. No. 821, A bill to be entitled "An Act to provide for, legalize, regulate and license the operation of billiard or pocket billiard establishments in the State of Texas; providing for the application to and the issuance of licenses by the State Comptroller of Public Accounts; providing an annual occupation tax; providing that the licensee must be the actual owner of such establishment; providing for the disposition of revenue derived hereunder; prohibiting gaming; prohibiting the sale or dispensation of whiskey, beer or wine; prohibiting the admittance of minors; providing for the revocation of licenses in certain instances; prohibiting the obstruction of the front of such establishment; providing certain restrictions for employees; providing certain qualifications for a licensee; prohibiting the use of certain terms; providing for the application and issuance of a temporary injunction; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Derden asked unanimous consent, to introduce, at this time, and have placed on first reading House Bill No. 825.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time,

and referred to the appropriate committee, as follows:

By Mr. Derden:

H. B. No. 825, A bill to be entitled "An Act validating any orders and proceedings directed toward the issuance of bonds for Justice Precinct No. 5 of Falls County, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Johnson of Ellis asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 826.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Johnson of Ellis:

H. B. No. 826, A bill to be entitled "An Act making provisions for the education and training of persons in this State, who because of some impediment or abnormality are unable to speak; providing duties of the Board of Control relative thereto, and declaring an emergency."

Referred to the Committee on State Eleemosynary and Reformatory Institutions.

Mr. Bradbury moved to introduce, at this time, and have placed on first reading, House Bill No. 827.

The motion prevailed by the following vote:

Yeas—118

Allen	Chambers
Allison	Clark
Alsup	Cleveland
Bailey	Cockrell
Baker	Coleman
of Fort Bend	Colquitt
Baker of Grayson	Colson, Mrs.
Bell	Cornett
Blankenship	Crossley
Boyd	Daniel
Boyer	Davis of Jasper
Bradbury	Davis of Upshur
Bradford	Derden
Bray	Dickison
Broadfoot	Dickson
Brown of Cherokee	Donaghey
Brown	Dowell
of Nacogdoches	Dwyer
Bundy	Faulkner
Burkett	Felty
Cauthorn	Ferguson
Celaya	Fielden

Fuchs	Montgomery
Gilmer	Morris
Goodman	Newell
Gordon, Mrs.	Oliver
Hale	Olsen
Hamilton	Pace
Hankamer	Pevehouse
Hardeman	Piner
Hardin	Pope
Harp	Reader of Erath
Harper	Reaves
Harrell of Bastrop	Reed
Harrell of Lamar	Rhodes
Harris	Roach
Holland	Roberts
Howington	Russell
Hull	Segrist
Hunt	Skiles
Isaacks	Smith
Johnson of Ellis	of Matagorda
Johnson of Tarrant	Spencer
Kennedy	Stinson
Kern	Stoll
Kersey	Talbert
Kinard	Tarwater
King	Taylor
Langdon	Tennant
Lehman	Thornberry
Lock	Thornton
Loggins	Turner
London	Vale
Mays	Vint
McAlister	Weldon
McDaniel	Wells
McFarland	Westbrook
McMurry	White
McNamara	Wilson
Mohrmann	Worley
Monkhouse	

Nays—3

Galbreath	Wright
Wood	
Present—Not Voting	
Corry	

Absent

Bridgers	Ragsdale
Burney	Reader of Bexar
Dean	Riviere
Hartzog	Robinson
Heflin	Schuenemann
Kerr	Shell
Leyendecker	Smith of Frio
Little	Smith of Hopkins
McDonald	Voigt
Nicholson	Waggoner
Petsch	Winfree

Absent—Excused

Anderson	Keith
Bond	Leonard
Howard	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bradbury, Mr. Hunt and Mr. Boyd:

H. B. No. 827, A bill to be entitled "An Act amending Article 6203 of Title 108 of the Revised Civil Statutes of Texas, as revised in 1925, as amended by Chapter 45, Acts of the First Called Session of the Forty-first Legislature, by Chapter 9 of the Fourth Called Session of the Forty-first Legislature, and by Chapter 11 of the Fifth Called Session of the Forty-first Legislature, defining the powers and duties of the Board of Pardons and Paroles; fixing the domicile of said Board; authorizing the maintenance thereof; providing for the selection of a Chairman thereof and defining his duties; establishing a system of parole for convicts sentenced to the penitentiary of this State; requiring District Judges, Criminal District Judges, Prosecuting Attorneys, and Sheriffs to furnish information relating to convicts sent to the penitentiary from their respective courts or jurisdiction, upon request by the Board; providing for what sum of money, clothing, and transportation shall be furnished to convicts when released on parole; requiring prison officials and their employees to furnish the Board with such information and reports relative to convicts as the Board may request; making the records of convicts on file in the office of the Secretary of State available to the Board; enacting other matters incidental to the subject of this Act, and declaring an emergency."

Referred to the Committee on Penitentiaries.

Mr. Nicholson asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 828.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Nicholson:

H. B. No. 828, A bill to be entitled "An Act making an appropriation for use and benefit of the Lower Neches

Valley Authority, and declaring an emergency."

Referred to the Committee on Appropriations.

BILLS RE-REFERRED

Mr. Winfree moved that House Bill No. 329 be withdrawn from the Committee on Public Health, and referred to the Committee on Livestock and Stock Raising.

The motion prevailed.

Mr. Skiles moved that House Bill No. 679 be withdrawn from the Committee on Revenue and Taxation, and referred to the Committee on Judiciary.

The motion prevailed.

CERTAIN CORRECTIONS ORDERED IN HOUSE BILL NO. 310

Mr. Harrell of Lamar asked unanimous consent, to allow the Engrossing Clerk to correct Sections 1 and 2 of House Bill No. 310, to show proper Sections of the Statutes amended.

There was no objection offered, and it was so ordered.

RELATIVE TO APPOINTMENT OF A DELEGATE TO THE SOUTHERN INTERSTATE CRIME CONFERENCE

Mr. Wood offered the following resolution:

H. S. R. No. 157, Relative to appointment of a delegate to the Southern Interstate Crime Conference.

Whereas, There has been a conference, known as the Southern Interstate Crime Conference, called to convene in Jacksonville, Florida, on Friday, March 17, and Saturday, March 18, 1939; and

Whereas, This conference is sponsored by the Interstate Commission on Crime and the National Association of Attorneys General; and

Whereas, This conference will discuss much legislation concerning crime, such as The Fresh Pursuit of Criminals Across State Lines, The Uniform Extradition Act, Rendition of Witnesses Across State Lines in Criminal Proceedings, Interstate Compact for the Supervision of Parolees and Probationers, The Uniform Pistol Act, The Uniform Narcotic Drug Act, and Crime Prevention; and

Whereas, This conference is planned to include the following States: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia; and

Whereas, Each of the above mentioned States have been asked by the above mentioned Association and Commission to have a representative at this meeting; now, therefore, be it

Resolved by the House of Representatives, That the Speaker appoint one Member of the House of Representatives to attend such conference at Jacksonville, Florida, on March 17 and 18; and be it further

Resolved, That all necessary expenses be, and same are hereby paid out of the Contingent Expense Fund of the House of Representatives.

The resolution was read second time.

On motion of Mr. Worley, the resolution was referred to the Committee on Federal Relations.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Weldon offered the following resolution:

H. C. R. No. 53, To grant S. W. Knox and wife permission to sue the State.

Whereas, The State Highway Department of Texas did build and cause to be built by and through its duly authorized agents and representatives, and said Highway Department by and through its agents and employees did supervise and construct the building of State Highway No. 19 through the County of Van Zandt; and

Whereas, S. W. Knox and his wife, Dora Knox have abutting on said highway a farm; and

Whereas, In the construction of said Highway No. 19 by said Highway Department, such construction was done and performed in such a way as to cause the flood waters of said creeks to flow over, inundate and wash away certain lands belonging to S. W. Knox and his wife, Dora Knox; and

Whereas, It is alleged that said S. W. Knox and his wife, Dora Knox, have never been compensated by the State of Texas for said damage; and

Whereas, In the construction of said highway through the property of S.

W. Knox and his wife, Dora Knox, the State Highway Department caused to be dug a big ditch through the field of the parties seeking relief herein, and by and because of the digging of such ditch, and the mode and manner generally of the construction of the said highway, these parties, to wit: S. W. Knox and his wife, Dora Knox, will suffer irreparable injuries, unless they are permitted to sue the State of Texas and the State Highway Department for such injuries; and

Whereas, Said Highway No. 19 and the injuries herein set forth happened on or about the 17th day of June, 1939; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said S. W. Knox and his wife, Dora Knox, be, and they are hereby granted permission to bring suit against the State of Texas, and against the Highway Department of the State of Texas in any court of competent jurisdiction in Van Zandt County, Texas, in order to determine what compensation, if any, they are entitled to receive by reason of such damages, and in case such suit be filed, service of citation or any other necessary processes, shall be had upon the Chairman of the State Highway Commission of Texas, and that the same have the same force and effect as made and provided in civil cases, and that either of the parties to said suit shall have the right of appeal, and it is so resolved.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Austin, Texas, March 6, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 42 by the following vote: Yeas, 25; Nays, 0.

Has passed

S. B. No. 137, A bill to be entitled "An Act to amend Article 1149 of the Penal Code of this State, relating to Assault with Motor Vehicle, by providing that if any driver or operator of a motor vehicle or motorcycle shall wilfully or with negligence collide with or cause injury less than death to any other person he shall be guilty

of aggravated assault; prescribing punishment upon conviction of such offense; providing that in the event such injuries result in death the driver or operator of such motor vehicle or motorcycle shall be dealt with under the general law of homicide; providing that all laws and parts of laws in conflict herewith are expressly repealed, and declaring an emergency."

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 631.

The following have been appointed on the part of the Senate:

Senators Lanning, Van Zandt, Metcalfe, Moffett and Isbell.

Respectfully,

BOB BARKER,

Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, March 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on House Bill No. 631, by the following vote: Yeas, 26; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 11 ON SECOND READING

The Speaker laid before the House, as pending business, on its second reading and passage to engrossment,

H. B. No. 11, A bill to be entitled "An Act appropriating the sum of One Million, Ninety-five Thousand (\$1,095,000.00) Dollars as a supplement to the equalization appropriation for the biennium as passed by the Forty-fifth Legislature provided no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries, of high school tuition, and of transporta-

tion, and of vocational aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimbursement which was not approved by payment at the end of the 1937-38 fiscal year; providing a penalty for violating the provisions of this Act; setting aside the sum of Nine Hundred and Fifty-five Thousand (\$955,000.00) Dollars for salary aid. One Hundred and Five Thousand (\$105,000.00) Dollars for transportation, Thirty-five Thousand (\$35,000.00) Dollars for high school tuition, and declaring an emergency."

The bill was read second time.

Mr. Thornton offered the following committee amendment to the bill:

Amend House Bill No. 11, by striking out all below the enacting clause, and inserting in lieu thereof, the following:

"Section 1. There is hereby appropriated out of any funds now in the State Treasury not otherwise appropriated the sum of Three Hundred and Twenty-six Thousand (\$326,000.00) Dollars, as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature. It is provided that no funds herein appropriated shall be granted to a school district which has paid out of its public funds any money or monies to any person or association for the purpose of securing legislative aid.

Section 2. The funds herein appropriated are to be expended under the terms and provisions of the aforementioned House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature, and as provided in this Act.

Section 3. The funds herein appropriated are to be used to supplement payments for salary aid for the first year of the biennium (1937-1938) and for no other purpose. It is specifically provided that the expenditure of this supplemental appropriation shall be made upon the same terms and conditions and in the same manner as the payments of the regular appropriation for salary aid provided for in House Bill No. 133, aforementioned, were made, and is to be proportioned by the schools which are eligible to receive aid under the provisions of the aforementioned House

Bill No. 133, which schools have been approved for certain amounts heretofore, so that each school is to receive the same proportionate share of this supplemental appropriation, and the amount prorated to each school out of this supplemental appropriation together with the amounts heretofore appropriated for salary aid in House Bill No. 133 is hereby designated to be in full and complete payment of any claim made by any school for salary aid under House Bill No. 133 for the first year of the biennium (1937-1938).

Section 4. All applications for salary aid in order to be eligible to participate in the provisions of this Act, shall have been declared eligible for aid under the provisions of House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature and shall have been on file and approved by the State Board of Education prior to the passage of this Act. All monies appropriated under the provisions of this Act shall be used for the purpose specified and for no other.

Any person or persons, firms, corporations or partnerships who shall misappropriate or use any of the funds or money herein granted under the provisions of this Act for any purpose except those specified in this Act or in any manner except as specified in this Act and in House Bill No. 133, Acts of the Second Called Session of the Forty-fifth Legislature shall be guilty of misappropriation of public funds and upon conviction shall be fined not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or confined in the county jail not less than six (6) months nor more than one (1) year or both such fine and imprisonment.

Section 5. The fact that the funds previously appropriated were only sufficient to pay sixty-nine (69%) per cent of the teachers' salaries approved for payment creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(Pending consideration of the committee amendment, Mrs. Gordon occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Thornberry offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 11, at line 31 on page 4 of the printed bill, by striking out the words and figures "Three Hundred and Twenty-six Thousand (326,000.00) Dollars", and substituting in lieu thereof the words and figures "Seven Hundred and Eighteen Thousand, Two Hundred and Fifty-five (\$718,255.00) Dollars".

(Pending consideration of the amendment, by Mr. Thornberry, Mr. Hamilton occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Thornberry, to the committee amendment, it was adopted.

Mr. Morris moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Thornton offered the following substitute for the committee amendment:

Amend House Bill No. 21, by striking out all below the enacting clause and inserting in lieu thereof, the following:

"Section 1. There is hereby appropriated out of any funds now in the State Treasury not otherwise appropriated the sum of Four Hundred and Eighty Thousand (\$480,000.00) Dollars as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature. It is provided that no funds herein appropriated shall be granted to a school district which has paid out of its public funds any money or monies to any person or association for the purpose of securing legislative aid.

Sec. 2. The funds herein appropriated are to be expended under the terms and provisions of the aforementioned House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature, and as provided in this Act.

Sec. 3. The funds herein appropriated are to be used to supplement payments for salary aid for the first year of the biennium (1937-1938) and for no other purpose. It is specifically provided that the expenditure of this supplemental appropriation shall be made upon the same terms and conditions and in the same manner as the payments of the regular appropriation for salary aid provided for in House Bill No. 133, aforementioned, were made, and is to be proportioned by the schools which are eligible to receive aid under the provisions of the aforementioned House Bill No. 133, which schools have been approved for certain amounts heretofore, so that each school is to receive the same proportionate share of this supplemental appropriation, and the amount prorated to each school out of this supplemental appropriation together with the amounts heretofore appropriated for salary aid in House Bill No. 133 is hereby designated to be in full and complete payment of any claim made by any school for salary aid under House Bill No. 133 for the first year of the biennium (1937-1938).

Sec. 4. All applications for salary aid in order to be eligible to participate in the provisions of this Act, shall have been declared eligible for aid under the provisions of House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature and shall have been on file and approved by the State Board of Education prior to the passage of this Act. All monies appropriated under the provisions of this Act shall be used for the purpose specified and for no other.

Any person or persons, firms, corporations or partnerships who shall misappropriate or use any of the funds or money herein granted under the provisions of this Act for any purpose except those specified in this Act or in any manner except as specified in this Act and in House Bill No. 133, Acts of the Second Called Session of the Forty-fifth Legislature shall be guilty of misappropriation of public funds and upon conviction shall be fined not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or confined in the county jail not less than six (6) months nor

more than one (1) year or both such fine and imprisonment.

Sec. 5. The fact that the funds previously appropriated were only sufficient to pay sixty-nine (69%) per cent of the teachers' salaries approved for payment creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

THORNTON,
HANKAMER.

On motion of Mr. Morris, the substitute amendment was tabled.

Mr. Thornton offered the following substitute for the committee amendment:

Amend House Bill No. 21, by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. There is hereby appropriated out of any funds now in the State Treasury not otherwise appropriated the sum of Five Hundred and Forty-one Thousand (\$541,000) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature. It is provided that no funds herein appropriated shall be granted to a school district which has paid out of its public funds any money or monies to any person or association for the purpose of securing legislative aid.

Sec. 2. The funds herein appropriated are to be expended under the terms and provisions of the aforementioned House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature, and as provided in this Act.

Sec. 3. The funds herein appropriated are to be used to supplement payments for salary aid for the first year of the biennium (1937-1938) and for no other purpose. It is specifically provided that the expenditure of this supplemental appropriation shall be made upon the same terms and conditions and in the same manner as the payments of the regular appropriation for salary aid provided for in House Bill No. 133, aforementioned, were made, and is to be proportioned

by the schools which are eligible to receive aid under the provisions of the aforementioned House Bill No. 133, which schools have been approved for certain amounts heretofore, so that each school is to receive the same proportionate share of this supplemental appropriation, and the amount prorated to each school out of this supplemental appropriation together with the amounts heretofore appropriated for salary aid in House Bill No. 133 is hereby designated to be in full and complete payment of any claim made by any school for salary aid under House Bill No. 133 for the first year of the biennium (1937-1938).

Sec. 4. All applications for salary aid in order to be eligible to participate in the provisions of this Act, shall have been declared eligible for aid under the provisions of House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature and shall have been on file and approved by the State Board of Education prior to the passage of this Act. All monies appropriated under the provisions of this Act shall be used for the purpose specified and for no other.

Any person or persons, firms, corporations or partnerships who shall misappropriate or use any of the funds or money herein granted under the provisions of this Act for any purpose except those specified in this Act or in any manner except as specified in this Act and in House Bill No. 133, Acts of the Second Called Session of the Forty-fifth Legislature shall be guilty of misappropriation of public funds and upon conviction shall be fined not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or confined in the county jail not less than six (6) months nor more than one (1) year or both such fine and imprisonment.

Sec. 5. The fact that the funds previously appropriated were only sufficient to pay sixty-nine (69%) per cent of the teachers' salaries approved for payment creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the said Rule is hereby suspended, and this Act shall take effect and be

in force from and after its passage, and it is so enacted."

THORNTON,
HANKAMER.

On motion of Mr. Morris, the substitute amendment was tabled.

Mr. Thornton offered the following substitute for the committee amendment:

Amend House Bill No. 21 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. There is hereby appropriated out of any funds now in the State Treasury not otherwise appropriated the sum of Six Hundred and Thirty-four Thousand (\$634,000) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature. It is provided that no funds herein appropriated shall be granted to a school district which has paid out of its public funds any money or monies to any person or association for the purpose of securing legislative aid.

Sec. 2. The funds herein appropriated are to be expended under the terms and provisions of the aforementioned House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature, and as provided in this Act.

Sec. 3. The funds herein appropriated are to be used to supplement payments for salary aid for the first year of the biennium (1937-1938) and for no other purpose. It is specifically provided that the expenditure of this supplemental appropriation shall be made upon the same terms and conditions and in the same manner as the payments of the regular appropriation for salary aid provided for in House Bill No. 133, aforementioned, were made, and is to be proportioned by the schools which are eligible to receive aid under the provisions of the aforementioned House Bill No. 133, which schools have been approved for certain amounts heretofore, so that each school is to receive the same proportionate share of this supplemental appropriation, and the amount prorated to each school out of this supplemental appropriation together with the amounts heretofore appropriated for salary aid in House Bill No. 133 is hereby designated to be in full and complete payment of

any claim made by any school for salary aid under House Bill No. 133 for the first year of the biennium (1937-1938).

Sec. 4. All applications for salary aid in order to be eligible to participate in the provisions of this Act, shall have been declared eligible for aid under the provisions of House Bill No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature and shall have been on file and approved by the State Board of Education prior to the passage of this Act. All monies appropriated under the provisions of this Act shall be used for the purpose specified and for no other.

Any person or persons, firms, corporations or partnerships who shall misappropriate or use any of the funds or money herein granted under the provisions of this Act for any purpose except those specified in this Act or in any manner except as specified in this Act and in House Bill No. 133, Acts of the Second Called Session of the Forty-fifth Legislature shall be guilty of misappropriation of public funds and upon conviction shall be fined not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or confined in the county jail not less than six (6) months nor more than one (1) year or both such fine and imprisonment.

Sec. 5. The fact that the funds previously appropriated were only sufficient to pay sixty-nine (69%) per cent of the teachers' salaries approved for payment creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

THORNTON,
HANKAMER.

On motion of Mr. Morris, the substitute amendment was tabled.

Mrs. Gordon offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to House Bill No. 11, by inserting before the word "and," in line 5, page 5, the following:

"and to reimburse in full any school district for high school tuition paid

by it for the benefit of its students or graduates where such school district is composed entirely and wholly of property owned and held by a church or religious group for the purpose of conducting an Orphan's Home, such school district to be reimbursed for tuition paid by it for those school years subsequent to the effective date of any legislative act providing for the incorporation thereof as an independent school district."

The amendment was lost.

Mr. Baker of Fort Bend offered the following amendment to the committee amendment:

Amend the committee amendment to House Bill No. 11, by adding thereto a new Section to be known as Section 7B and to read as follows:

"Section 7B. Out of the funds above appropriated, there is set aside for the purpose of more accurately checking and making transfers and census and paying costs of labor, material, supplies, and travel incident thereto the sum of Ten Thousand (\$10,000.00) Dollars to the Division of Census, State Department of Education, to be expended as are other funds for administration expenses of the Equalization Law."

BAKER of Fort Bend,
KING,
HARRIS,
SKILES,
DERDEN,
BRADBURY,
HALE,

Mr. Worley offered the following substitute for the amendment by Mr. Baker of Fort Bend:

Substitute for the amendment to the amendment to House Bill No. 11, by striking out the words "funds above appropriated," in line 1, and inserting in lieu thereof the following: "General Revenue Fund."

On motion of Mr. McAlister, the substitute amendment was tabled.

Mr. McAlister then moved to table the amendment by Mr. Baker of Fort Bend.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—45

Allen	Bond
Alsup	Bradford
Bailey	Bridgers

Chambers	McMurry
Colquitt	McNamara
Corry	Mohrmann
Donaghey	Monkhouse
Faulkner	Montgomery
Felty	Newell
Fuchs	Olsen
Gilmer	Roach
Hankamer	Robinson
Harper	Schuenemann
Hartzog	Shell
Isaacks	Smith of Frio
Johnson of Tarrant	Talbert
Kennedy	Tarwater
Kerr	Taylor
Little	Tennant
London	Thornton
Mays	Vint
McAlister	Waggoner
McDaniel	

Nays—92

Allison	Harp
Baker	Harrell of Bastrop
of Fort Bend	Harrell of Lamar
Baker of Grayson	Harris
Bell	Holland
Boyd	Howington
Boyer	Hunt
Bradbury	Johnson of Ellis
Bray	Kern
Broadfoot	Kersey
Brown of Cherokee	Kinard
Brown	King
of Nacogdoches	Langdon
Bundy	Lehman
Burkett	Lock
Burney	Loggins
Cauthorn	McDonald
Clark	McFarland
Cleveland	Morris
Cockrell	Nicholson
Coleman	Oliver
Colson, Mrs.	Pace
Cornett	Petsch
Crossley	Pevehouse
Daniel	Piner
Davis of Jasper	Ragsdale
Davis of Upshur	Reader of Bexar
Dean	Reader of Erath
Derden	Reaves
Dickison	Reed
Dickson	Rhodes
Dowell	Riviere
Dwyer	Roberts
Ferguson	Russell
Fielden	Segrist
Galbreath	Skiles
Goodman	Smith of Hopkins
Gordon, Mrs.	Smith
Hale	of Matagorda
Hamilton	Spencer
Hardeman	Stinson
Hardin	Stoll

Thornberry	White
Turner	Wilson
Vale	Wood
Weldon	Worley
Wells	Wright
Westbrook	

Absent

Blankenship	Leyendecker
Celaya	Pope
Heflin	Voigt
Hull	Winfree

Absent—Excused

Anderson	Keith
Howard	Leonard

Question then recurring on the amendment by Mr. Baker of Fort Bend, it was adopted.

Mr. Baker of Fort Bend moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Morris offered the following amendment to the committee amendment:

Amend the committee amendment to House Bill No. 11, by adding thereto a new Section to be known as Section 7a and to read, as follows:

"Section 7a. In addition to the amounts herein appropriated there shall be appropriated an additional sum for the scholastic year 1938-1939 of Seven Hundred and Eighty-nine Thousand, Seven Hundred and Eighty-nine (\$799,789.60) Dollars and Sixty Cents to as nearly as possible pay ninety-four (94%) per cent of teachers salary for the scholastic year 1938-1939 to be expended in accordance with the provisions of House Bill No. 133 of the Forty-fifth Legislature."

MORRIS,
ALSUP.

Mr. Thornton moved to table the amendment by Mr. Morris.

The motion to table was lost.

Mr. Mays moved the previous question, on the amendment by Mr. Morris, to the committee amendment, the committee amendment, and the engrossment of House Bill No. 11, and the main question was ordered.

Question recurring on the amendment by Mr. Morris to the committee amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—108

Allen	Kersey
Allison	Kinard
Alsup	King
Baker	Langdon
of Fort Bend	Lehman
Baker of Grayson	Little
Bell	Lock
Blankenship	Loggins
Boyd	London
Boyer	Mays
Bradbury	McDaniel
Bradford	McMurry
Broadfoot	McNamara
Brown of Cherokee	Mohrmann
Brown	Monkhouse
of Nacogdoches	Morris
Bundy	Newell
Burkett	Oliver
Burney	Olsen
Chambers	Pace
Clark	Pevehouse
Cleveland	Piner
Cockrell	Ragsdale
Coleman	Reader of Bexar
Colson, Mrs.	Reader of Erath
Cornett	Reaves
Crossley	Reed
Daniel	Rhodes
Davis of Jasper	Roach
Davis of Upshur	Roberts
Dean	Russell
Derden	Segrist
Dickison	Skiles
Dickson	Smith of Frio
Faulkner	Smith of Hopkins
Ferguson	Smith
Fielden	of Matagorda
Fuchs	Spencer
Galbreath	Stinson
Gordon, Mrs.	Stoll
Hale	Talbert
Hamilton	Tarwater
Hardeman	Taylor
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Turner
Harrell of Lamar	Waggoner
Harris	Weldon
Holland	Wells
Howington	Westbrook
Hunt	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Wood
Kennedy	Worley
Kern	Wright
Kerr	

Nays—20

Bailey	Cauthorn
Bray	Colquitt

Corry	McFarland
Donaghey	Montgomery
Felty	Nicholson
Gilmer	Pope
Hankamer	Riviere
Hartzog	Robinson
Heflin	Thornton
McDonald	Vint

Present—Not Voting

McAlister

Absent

Bridgers	Leyendecker
Celaya	Petsch
Dowell	Schuenemann
Dwyer	Shell
Goodman	Vale
Hardin	Voigt
Hull	Winfree
Isaacks	

Absent—Excused

Anderson	Keith
Bond	Leonard
Howard	

Question then recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 11 was then passed to engrossment.

HOUSE BILL NO. 11 ON THIRD READING

Mr. Morris moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Allen	Broadfoot
Allison	Brown of Cherokee
Alsup	Brown
Bailey	of Nacogdoches
Baker	Bundy
of Fort Bend	Burkett
Baker of Grayson	Burney
Bell	Celaya
Blankenship	Chambers
Boyd	Clark
Boyer	Cleveland
Bradbury	Cockrell
Bray	Coleman

Colson, Mrs.	McAlister
Cornett	McMurry
Crossley	McNamara
Daniel	Mohrmann
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Dean	Newell
Derden	Oliver
Dickison	Olsen
Dowell	Pace
Dwyer	Petsch
Faulkner	Pevehouse
Ferguson	Piner
Fielden	Pope
Fuchs	Ragsdale
Galbreath	Reader of Erath
Goodman	Reaves
Gordon, Mrs.	Reed
Hale	Rhodes
Hamilton	Riviere
Hardeman	Roach
Hardin	Roberts
Harp	Russell
Harper	Segrist
Harrell of Bastrop	Skiles
Harrell of Lamar	Smith of Hopkins
Harris	Smith
Hartzog	of Matagorda
Holland	Spencer
Howington	Stinson
Hull	Stoll
Hunt	Talbert
Johnson of Ellis	Tarwater
Johnson of Tarrant	Taylor
Kennedy	Tennant
Kern	Thornberry
Kerr	Turner
Kersey	Waggoner
Kinard	Weldon
King	Wells
Langdon	Westbrook
Lehman	White
Little	Wilson
Lock	Wood
Loggins	Worley
London	Wright
Mays	

Nays—17

Bradford	McDaniel
Cauthorn	McDonald
Colquitt	McFarland
Corry	Monkhouse
Donaghey	Robinson
Felty	Smith of Frio
Gilmer	Thornton
Hankamer	Vint
Heflin	

Absent

Bridgers	Leyendecker
Dickson	Nicholson
Isaacks	Reader of Bexar

Schuenemann	Voigt
Shell	Winfree
Vale	

Absent—Excused

Anderson	Keith
Bond	Leonard
Howard	

The Speaker then laid House Bill No. 11 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—124

Allen	Hale
Allison	Hamilton
Alsup	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Boyd	Heflin
Boyer	Holland
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown	Kennedy
of Nacogdoches	Kern
Bundy	Kerr
Burkett	Kersey
Burney	Kinard
Celaya	King
Chambers	Langdon
Clark	Lehman
Cleveland	Little
Cockrell	Lock
Coleman	Loggins
Colson, Mrs.	London
Cornett	Mays
Corry	McAlister
Crossley	McDaniel
Daniel	McDonald
Davis of Jasper	McMurry
Davis of Upshur	McNamara
Dean	Mohrmann
Derden	Monkhouse
Dickison	Montgomery
Dickson	Morris
Dowell	Newell
Dwyer	Oliver
Faulkner	Olsen
Ferguson	Pace
Fielden	Petsch
Fuchs	Pevehouse
Galbreath	Piner
Goodman	Pope
Gordon, Mrs.	Ragsdale

Reader of Bexar	Stoll
Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Turner
Roberts	Waggoner
Robinson	Weldon
Russell	Wells
Segrist	Westbrook
Skiles	White
Smith of Frio	Wilson
Smith of Hopkins	Wood
Spencer	Worley
Stinson	Wright

Nays—13

Cauthorn	Isaacks
Colquitt	McFarland
Donaghey	Nicholson
Felty	Smith
Gilmer	of Matagorda
Hankamer	Thornton
Hartzog	Vint

Absent

Bridgers	Vale
Leyendecker	Voigt
Schuenemann	Winfree
Shell	

Absent—Excused

Anderson	Keith
Bond	Leonard
Howard	

MESSAGE FROM THE SENATE

Austin, Texas, March 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 96 by the following vote: Yeas, 27; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

EXPRESSING SYMPATHY OF THE HOUSE TO HON. JOE KEITH

Mr. Bell offered the following resolution:

H. S. R. No. 158, Expressing sympathy of the House to Honorable Joe Keith.

Whereas, Our esteemed fellow Member, the Honorable Joe A. Keith, has been ill for several days; and

Whereas, We regret that he has been unable to be present and that illness has been the cause of his absence; now, therefore, be it

Resolved by the House of Representatives, That we extend our sincere sympathy, and wish for him a speedy recovery; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send suitable flowers to our colleague; and, be it further

Resolved, That a copy of this resolution be sent under the seal of the Chief Clerk to Mr. Keith.

BELL,
THORNBERRY,
THORNTON.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Russell, the names of all the Members of the House

were added to the resolution as signers thereof.

The resolution was unanimously adopted.

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL NO. 631

Mr. Skiles submitted the following Conference Committee Report on House Bill No. 631:

Austin, Texas, March 6, 1939.

Honorable Coke R. Stevenson, President of the Senate,
and

Honorable R. Emmett Morse, Speaker,
House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on House Bill No. 631, have met and beg leave to recommend that said House Bill No. 631 be passed in the form hereto attached.

Respectfully submitted,

LANNING,
MOFFETT,
ISELL,
METCALFE,

On the part of the Senate.

SKILES,
KERSEY,
LONDON,
KING,
NEWELL,

On the part of the House.

H. B. No. 631,

A BILL

To Be Entitled

An Act regulating the taking, catching and possessing of sand bass fish in the fresh waters of Denton County, Texas; providing that there shall be no closed season for the taking and catching of such fish; prescribing the bag limit and length limit thereof; regulating the kind of bait which may be used for the catching of such fish during certain months; prescribing penalties for any violation hereof; and defining the intent of this law, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. From and hereafter it shall not be unlawful to take or catch

sand bass fish from the fresh waters of Denton County, Texas, at any time during the year.

Section 2. During the months of March and April of each year it shall be unlawful for any person to take or catch more than ten (10) sand bass fish from the above-mentioned waters in any one day. During the months of May, June, July, August, September, October, November, December, January and February it shall be unlawful for any person to take or catch from said waters more than fifteen (15) such fish in any one day.

Section 3. It shall be unlawful for any person to take or catch, or have in his possession at any time from the above described waters, any sand bass fish of less length than nine (9) inches. Any person catching any such fish of less length than nine (9) inches from such waters shall immediately return the same to the waters from which they came.

Section 4. It shall be unlawful for any person to possess at any one time, more than the daily bag limit of sand bass fish taken from the above described waters.

Section 5. It shall not be unlawful for any person in fishing for sand bass fish in the above described waters, to use a rod and reel and any character of natural bait or pork strips which are not manufactured or prepared for sale as bait.

Section 6. Any person violating any provision of this Act shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

Section 7. The provisions hereof shall apply only to the catching and possessing of fish commonly known as sand bass from the herein described waters and this Act shall not be taken to affect or repeal any law now in effect or hereafter passed regulating the taking of any other kind of fish.

Section 8. The fact that sand bass fish have been considered to be regulated by the General Laws relating to the taking and catching of black bass fish, and the fact that sand bass fish are exceedingly prolific and there is no necessity of a closed season for said fish create an emergency and an imperative public necessity that the Constitutional Rule requir-

ing bills to be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Skiles, the Report was adopted by the following vote:

Yeas—114

Allen	Heflin
Allison	Holland
Alsup	Howington
Bailey	Hull
Baker	Hunt
of Fort Bend	Isaacks
Baker of Grayson	Johnson of Ellis
Bell	Johnson of Tarrant
Boyer	Kennedy
Bradford	Kern
Bray	Kerr
Broadfoot	Kersey
Brown of Cherokee	King
Brown	Langdon
of Nacogdoches	Lehman
Bundy	Little
Burkett	Lock
Cauthorn	Loggins
Celaya	Mays
Chambers	McAlister
Clark	McDaniel
Cleveland	McFarland
Cockrell	McMurry
Coleman	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Monkhouse
Cornett	Montgomery
Crossley	Morris
Daniel	Newell
Davis of Jasper	Oliver
Davis of Upshur	Olsen
Dickison	Pace
Dickson	Pevehouse
Donaghey	Piner
Dowell	Pope
Faulkner	Reader of Erath
Felty	Reaves
Ferguson	Reed
Fielden	Rhodes
Fuchs	Roach
Galbreath	Roberts
Gilmer	Russell
Goodman	Segrist
Gordon, Mrs.	Skiles
Hamilton	Smith of Frio
Hankamer	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stoll
Harrell of Lamar	Talbert
Harris	Taylor
Hartzog	Tennant

Thornberry
Thornton
Vale
Vint
Weldon
Wells

White
Wilson
Wood
Worley
Wright

Absent

Blankenship	Nicholson
Boyd	Petsch
Bradbury	Ragsdale
Bridgers	Reader of Bexar
Burney	Riviere
Corry	Robinson
Dean	Schuenemann
Derden	Shell
Dwyer	Stinson
Hale	Tarwater
Hardeman	Turner
Keith	Voigt
Kinard	Waggoner
Leyendecker	Westbrook
London	Winfree
McDonald	

Absent—Excused

Anderson	Howard
Bond	Leonard

PROVIDING FOR THE CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

Mr. Mays moved that the House meet at 7:30 o'clock p. m., next Thursday, for the purpose of considering local and uncontested bills.

The motion prevailed.

BILLS RE-REFERRED

(By unanimous consent)

Mr. Thornberry moved that House Bill No. 319 be withdrawn from the Committee on Banks and Banking, and referred to the Committee on State Affairs.

The motion prevailed.

Mr. Thornberry moved that House Bill No. 420 be withdrawn from the Committee on Banks and Banking, and referred to the Committee on State Affairs.

The motion prevailed.

Mr. Thornberry moved that House Bill No. 454 be withdrawn from the Committee on Banks and Banking, and referred to the Committee on State Affairs.

The motion prevailed.

Mr. Thornberry moved that House Bill No. 643 be withdrawn from the

Committee on Banks and Banking, and referred to the Committee on State Affairs.

The motion prevailed.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 128, "An Act to repeal the Bosque County Special Road Law, being Chapter 33, page 101, Special Laws of the Regular Session of the Thirty-third Legislature, and the amendments to said laws passed by Chapter 17, page 328, of the Local and Special Laws of the First Called Session of the Thirty-fifth Legislature, and declaring an emergency."

S. B. No. 97, "An Act amending Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of county officials in any county where the population is less than 20,000 inhabitants and which has a tax valuation of not less than \$17,000,000 and not exceeding \$25,000,000 according to the last approved tax roll and with a total area of not less than 950 square miles and not exceeding a square area of 980 square miles, and declaring an emergency."

S. B. No. 161, "An Act exempting certain independent school districts created under Chapter 5, Acts, 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2767 of the Revised Civil Statutes, and declaring an emergency."

S. B. No. 42, "An Act to amend Article 554 of the Penal Code of the State of Texas, relating to loan limits, and declaring an emergency."

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 137, to the Committee on Criminal Jurisprudence.

ADJOURNMENT

On motion of Mr. Alsup, the House, at 12:50 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Commerce and Manufactures: House Bill No. 160.

Privileges, Suffrage and Elections: House Bills Nos. 75, 229, 522, 610 and 645.

School Districts: House Bill No. 326.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, February 28, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one Act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members of officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing certain restrictions; providing for the licensing of non-resident real estate dealers and salesmen and making certain requirements discretionary if non-resident is licensed under the laws of another State; making provision for requisition of information of applicant and vesting Real Estate Commission with power to make rules and regulations connected with application for a license; requiring issuance of license if certain conditions are satisfied and providing for issuance of temporary license under certain conditions and providing a pocket card for each licensee, prescribing its form and providing li-

censee shall maintain a definite place of business which may be his home and providing for display of dealer's and his salesman's license in dealer's place of business; providing that duplicate licenses shall be displayed in all branch offices and providing licensee can transact business from only one office unless notice given within ten (10) days of change of location; providing procedure for dealer and salesman to follow when salesman changes employer; providing that not more than one license can be issued to a salesman for the same period and providing for issuance of new license when salesman transfers and payment of transfer fee; providing for a hearing if applicant for a license is refused, providing for investigation of certain dealers and salesmen and giving Real Estate Commission power to revoke or refuse to renew license of any dealer or salesman guilty of certain acts and providing that revocation of license or refusal to renew shall not relieve person or company from civil or criminal liability; providing for hearing before license suspended or revoked, authorizing certain procedure and making provision for appeal to the courts; providing no action can be maintained in courts to collect commissions for performing certain acts unless one proves he is licensed dealer or salesman, conferring on the Real Estate Commission or one duly authorized, the authority to require by subpoena the attendance of witnesses, taking of depositions, and the production of books, accounts, records, papers and correspondence relative to matters which the Real Estate Commission may investigate and conferring upon Real Estate Commission and one duly authorized the authority to issue subpoenas, administer oaths and affirmations, examine witnesses and receive evidence, and providing for the aid of the courts if necessary, providing for punishment for contempt and providing for fees of witnesses, other fees, costs and expenses; providing for the time and method of appeal to the courts by person aggrieved under this Act and proper procedure after such appeal; providing that certain fees are to be charged and collected by the Real Estate Commission; providing for expiration date of licenses granted; making provisions for the deposit of fees collected under terms of this Act; providing for the payment of salaries

of employees and expenses of administration and for disbursement of funds collected under this Act; providing that certified copies of all instruments and documents filed in the office of the Real Estate Commission shall be admitted as evidence; providing that courts may require the production of original instruments and documents, and providing that in any proceedings based on the provisions of this Act, a certificate of the Real Estate Commission under the Seal of the State shall constitute prima facie evidence of compliance or non-compliance with the terms of this Act; making it unlawful to pay commission to one not licensed hereunder and providing salesman cannot accept compensation from one not licensed; providing that in the event any provision of this Act is declared void or unconstitutional that remaining provisions shall remain in full force and effect, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 310, A bill to be entitled "An Act amending Senate Bill No. 170, Chapter 253, Acts of the Forty-second Legislature, Regular Session, pages 420-421, being Article 6203e of the Revised Civil Statutes of the State of Texas, providing for the establishment of the State Prison Psychopathic Hospital as a part of the Prison System of the State of Texas, and providing who may be committed thereto, and providing for the commitment to said institution of certain dangerous insane patients in the State Hospitals, providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 42, Authorizing Ennis Miller to sue the State.

Has carefully compared some and finds it correctly engrossed.

BRIDGERS, Chairman.

In Memory of Mr. J. W. Walker

Mr. Donaghey offered the following resolution:

H. S. R. No. 156, In memory of Mr. J. W. Walker.

Whereas, On the first day of March, A. D. 1939, the Supreme Ruler of the Universe, in His infinite wisdom, called to His eternal reward J. W. Walker, a resident of Waco, McLennan County, Texas; and

Whereas, J. W. Walker was an honored and valued citizen of the State of Texas and a pioneer of McLennan County, and his death is recognized as a distinct loss to the State of Texas and particularly to McLennan County; and

Whereas, His daughter, Mrs. C. M. McFarland, is the wife of one of our most distinguished Members, Judge McFarland of Wichita County; therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, That the Members deeply regret the passing of this good man, the father-in-law of our distinguished Member and that we extend our sincere sympathy to the surviving members of his family; and, be it further

Resolved, That when the House adjourns today it do so in memory of J. W. Walker, that a page of the Journal today be dedicated to his memory, and that the Chief Clerk of the House of Representatives be instructed to send copies of this resolution to the members of Mr. Walker's family.

DONAGHEY,
BUNDY,
GORDON, MRS.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhous, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Reader of Erath, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.